



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Adopt Resolution Setting Priorities for Filing Written Arguments Regarding Low-Income Discounts for Water and Sewer Services Measure Scheduled for the November 7, 2006, General Municipal Election and Directing the City Attorney to Prepare an Impartial Analysis

MEETING DATE: July 19, 2006

PREPARED BY: City Clerk

RECOMMENDED ACTION: That the City Council adopt the attached resolution setting priorities for filing written arguments regarding Low-Income Discounts for Water and Sewer Services measure scheduled for the November 7, 2006, General Municipal Election and directing the City Attorney to prepare an impartial analysis.

BACKGROUND INFORMATION: It is necessary for the City Council to adopt a resolution setting the priorities for filing written arguments for or against measures submitted for the ballot for the November 7, 2006, General Municipal Election, as well as setting forth the deadlines.


The following deadlines are hereby established pursuant to Elections Code Sections 9285, 9286, and 9220.

- Deadline for filing arguments (not exceeding 300 words) – **August 2, 2006**
- Deadline for filing rebuttal arguments (not exceeding 250 words) – **August 14, 2006**

Arguments must be filed in the City Clerk's Office on or before the deadlines established, during normal office hours.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None.


Jennifer M. Perrin
Interim City Clerk

JMP
Attachments

APPROVED:


Blair King, City Manager

RESOLUTION NO. 2006-138

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, SETTING PRIORITIES FOR FILING (A) WRITTEN ARGUMENT(S) REGARDING CITY MEASURES AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS

WHEREAS, a General Municipal Election is to be held in the City of Lodi, California, on Tuesday, November 7, 2006, at which there will be submitted to the voters the measure for the Low-Income Discounts for Water and Sewer Services (text of the proposed resolution is attached as Exhibit A).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. That the City Council authorizes all members of the City Council to file (a) written argument(s) In Favor of or Against City measure, accompanied by the printed name(s) and signature(s) of the person(s) submitting it, in accordance with Article 4, Chapter 3, Division 9, of the Elections Code of the State of California and to change the argument until and including the date fixed by the City Clerk, after which no arguments for or against the City measure may be submitted to the City Clerk.

SECTION 2. That the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney who shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

SECTION 3. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Dated: July 19, 2006


I hereby certify that Resolution No. 2006-138 was passed and adopted by the City Council of the City of Lodi in a regular meeting held July 19, 2006, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hansen, Johnson, Mounce,
and Mayor Hitchcock

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


JENNIFER M. PERRIN
Interim City Clerk

A RESOLUTION OF THE LODI CITY COUNCIL
ESTABLISHING LOW-INCOME DISCOUNTS FOR
WATER AND SEWER SERVICES

WHEREAS, with the implementation of new water, sewer, and refuse rates and charges adopted April 27, 2004, the Lodi City Council adopted Ordinance No. 1750 amending Lodi Municipal Code Chapter 13.04, §13.04.130, "Low Income Adjustments," at its September 15, 2004, City Council meeting; and

WHEREAS, the City Council now desires to adopt a resolution establishing Water and Sewer Services discounts for eligible low-income residents, and further desires to place the Measure on the November 2006 ballot for citizen approval.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Lodi City Council does hereby approve and establish low-income discounts for water and sewer services as shown below, which shall become effective the first billing period following the effective date of this Resolution:

For Residential Customers who qualify for the Electric SHARE Program discount:

Water	20%	Discount on the Residential Flat Rate
Wastewater	20%	Discount on the Residential Flat Rate for Disposal to the Domestic System

OR,

For Residential Customers who qualify for the Electric Senior/Fixed-Income discount:

Water	10%	Discount on the Residential Flat Rate
Wastewater	10%	Discount on the Residential Flat Rate for Disposal to the Domestic System

BE IT FURTHER RESOLVED that the water and wastewater discounts shall be funded by the ratepayers, collected with utility bills; and

BE IT FURTHER RESOLVED that the programs will be limited to two percent (2%) of the revenue of each utility. At current revenue levels, this equals \$164,234.00 in the water utility and \$164,630.00 per year in wastewater; and

BE IT FURTHER RESOLVED that the City Council does hereby direct staff to institute a verification program whereby every three years, 10% of one third (1/3) of the applicants' eligibility is re-confirmed; and

BE IT FURTHER RESOLVED that this Measure shall be placed on the November 7, 2006, Ballot for citizen approval.

Dated: July 5, 2006

I hereby certify that Resolution No. 2006-130 was passed and adopted by the City Council of the City of Lodi at its regular meeting held July 5, 2006, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hansen, and Mayor Hitchcock

NOES: COUNCIL MEMBERS – Johnson and Mounce

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


JENNIFER M. PERRIN
City Clerk



DECLARATION OF MAILING

NOTICE OF ELECTION FOR MEASURE RELATING TO THE LOW-INCOME DISCOUNTS FOR WATER AND SEWER SERVICES

On July 20, 2006, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing transmittal letter regarding Notice of Election for measure relating to the Low-Income Discounts for Water and Sewer Services, attached hereto Marked Exhibit A. The mailing list for said matter is attached hereto, marked Exhibit B.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 20, 2006, at Lodi, California.

ORDERED BY:

JENNIFER M. PERRIN
INTERIM CITY CLERK, CITY OF LODI

ORDERED BY:


JENNIFER M. PERRIN, CMC
INTERIM CITY CLERK

JACQUELINE L. TAYLOR, CMC
DEPUTY CITY CLERK

DANA R. CHAPMAN
ADMINISTRATIVE CLERK

CITY COUNCIL

SUSAN HITCHCOCK,
Mayor

BOB JOHNSON,
Mayor Pro Tempore

JOHN BECKMAN

LARRY D. HANSEN

JOANNE MOUNCE

CITY OF LODI



CITY HALL, 221 WEST PINE STREET / P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702 / FAX (209) 333-6807 / www.lodi.gov

BLAIR KING,
City Manager

JENNIFER M. PERRIN,
Interim City Clerk

D. STEPHEN SCHWABAUER,
City Attorney

EXHIBIT A

July 20, 2006

To: Interested Parties:

RE: Notice of Election for Measure Relating to the Low-Income Discounts for Water and Sewer Services

The Lodi City Council, at its meeting of July 5, 2006, adopted Resolution No. 2006-131 ordering the measure relating to the Low-Income Discounts for Water and Sewer Services to be submitted to the voters at the November 7, 2006, General Municipal Election.

Enclosed for informational purposes is a copy of the Notice of Election for the measure, which includes the following information:

- Deadline for filing arguments (not exceeding 300 words) – **August 2**
- Deadline for filing rebuttal arguments (not exceeding 250 words) – **August 14**

Arguments must be filed in the City Clerk's Office on or before the deadlines established during normal office hours.

Also enclosed is the "Form of Statement to be Filed by Author of Argument," which must accompany any argument filed in the City Clerk's Office. Should you have any questions, please feel free to contact my office.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer M. Perrin".
Jennifer M. Perrin
Interim City Clerk

JMP

Enclosures



**NOTICE OF ELECTION
FOR MEASURE RELATING TO LOW-INCOME DISCOUNTS FOR
WATER AND SEWER SERVICES**

NOTICE IS HEREBY GIVEN that a General Municipal Election will be held in the City of Lodi, California, on Tuesday, November 7, 2006, for the following Measure.

Shall the Resolution establishing low-income discounts for water and sewer services be passed?	Yes
	No

**LOW-INCOME DISCOUNTS FOR WATER AND SEWER SERVICES
(Full text of the measure)**

**RESOLUTION NO. 2006-130: A RESOLUTION OF THE LODI CITY COUNCIL ESTABLISHING
LOW-INCOME DISCOUNTS FOR WATER AND SEWER SERVICES**

WHEREAS, with the implementation of new water, sewer, and refuse rates and charges adopted April 27, 2004, the Lodi City Council adopted Ordinance No. 1750 amending Lodi Municipal Code Chapter 13.04, §13.04.130, "Low Income Adjustments," at its September 15, 2004, City Council meeting; and

WHEREAS, the City Council now desires to adopt a resolution establishing water and sewer services discounts for eligible low-income residents, and further desires to place the Measure on the November 2006 ballot for citizen approval.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Lodi City Council does hereby approve and establish low-income discounts for water and sewer services as shown below, which shall become effective the first billing period following the effective date of this Resolution:

For Residential Customers who qualify for the Electric SHARE Program discount:

Water	20%	Discount on the Residential Flat Rate
Wastewater	20%	Discount on the Residential Flat Rate for Disposal to the Domestic System

OR,

For Residential Customers who qualify for the Electric Senior/Fixed-Income discount:

Water	10%	Discount on the Residential Flat Rate
Wastewater	10%	Discount on the Residential Flat Rate for Disposal to the Domestic System

BE IT FURTHER RESOLVED that the water and wastewater discounts shall be funded by the ratepayers, collected with utility bills; and

BE IT FURTHER RESOLVED that the programs will be limited to two percent (2%) of the revenue of each utility. At current revenue levels, this equals \$164,234.00 in the water utility and \$164,630.00 per year in wastewater; and

BE IT FURTHER RESOLVED that the City Council does hereby direct staff to institute a verification program whereby every three years, 10% of one third (1/3) of the applicants' eligibility is re-confirmed; and

BE IT FURTHER RESOLVED that this Measure shall be placed on the November 7, 2006, ballot for citizen approval.

Resolution No. 2006-130 was passed and adopted by the City Council of the City of Lodi at its regular meeting held July 5, 2006, by the following vote:

AYES:	COUNCIL MEMBERS – Beckman, Hansen, and Mayor Hitchcock
NOES:	COUNCIL MEMBERS – Johnson and Mounce
ABSENT:	COUNCIL MEMBERS – None
ABSTAIN:	COUNCIL MEMBERS – None

(The polls will be open between the hours of 7:00 a.m. and 8:00 p.m.)

**NOTICE TO VOTERS OF DATE AFTER WHICH NO ARGUMENT FOR OR AGAINST
CITY MEASURE MAY BE SUBMITTED TO THE CITY CLERK**

NOTICE IS FURTHER GIVEN that pursuant to Article 4, Chapter 3, Division 9, of the Elections Code of the State of California, the legislative body of the City of Lodi, or any member or members thereof authorized by the body, or any individual voter or bona fide association of citizens, or any combination of voters and association, may file a written argument, not to exceed 300 words in length, ***accompanied by the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument,*** for or against the City measure.

NOTICE IS FURTHER GIVEN that, based upon the time reasonably necessary to prepare and print the arguments and sample ballots for the election, the City Clerk has fixed **August 2, 2006, during normal office hours, as posted**, as the date prior to the election after which no arguments for or against the City measure may be submitted to the City Clerk for printing and distribution to the voters as provided in Article 4. Arguments shall be submitted to the City Clerk, ***accompanied by the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument,*** at City Hall, 221 West Pine Street ~ 2nd floor, Lodi, California, 95240. Arguments may be changed or withdrawn until and including the date fixed by the City Clerk.

NOTICE IS FURTHER GIVEN that the City Council has determined that rebuttal arguments not to exceed 250 words in length, as submitted by the authors of the opposing direct arguments, may be filed with the City Clerk, ***accompanied by the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument.*** The deadline for submitting rebuttal arguments is **August 14, 2006**, at 5:00 p.m.

NOTICE IS FURTHER GIVEN that any ordinance, impartial analysis, or direct argument filed under the authority of the Elections Code will be available for public examination in the City Clerk's Office for not less than ten (10) calendar days from the deadline for the filing of the arguments and analysis. Any rebuttal argument filed under the authority of the Elections Code will be available for public examination in the City Clerk's Office for not less than ten (10) calendar days from the deadline for filing rebuttal arguments.

Jennifer M. Perrin
Interim City Clerk
City of Lodi, California

Dated: July 20, 2006

**FORM OF STATEMENT TO BE FILED BY
AUTHOR OF ARGUMENT**

All arguments concerning measures filed pursuant to Elections Code Chapter 3 – Municipal Elections – Division 9 – Measures Submitted to the Voters – Article 4 – Arguments Concerning City Measures – shall be accompanied by the following form statement to be signed by each proponent and by each author, if different, of the argument:

The undersigned proponent(s) or author(s) of the

_____ (primary/rebuttal to)

argument _____

(in favor of/against)

ballot proposition _____

(name or number)

at the _____ General Municipal Election

for the _____ City of Lodi

to be held on _____ Tuesday, November 7, 2006 _____ hereby state

that such argument is true and correct to the best of _____
(his/her/their)

knowledge and belief.

(Legislative body or committee, if applicable)

ALL AUTHORS MUST PRINT HIS/HER NAME, SIGN, AND DATE THIS FORM

Print Name

Sign Name

Date

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Submitted herewith is the:

☐ PRIMARY ARGUMENT **OR** ☐ REBUTTAL TO ARGUMENT

_____ Measure _____
(In Favor of, Against) (name or number)

Arguments in support of or in opposition to the proposed laws are the opinions of the authors.

TEXT:

Submitted by: _____
(Legislative body or committee name, if applicable)

ALL AUTHORS MUST PRINT HIS/HER NAME AND SIGN THIS FORM

(Printed Name/Sign/Date)

(Printed Name/Sign/Date)

(Printed Name/Sign/Date)

(Printed Name/Sign/Date)

(Printed Name/Sign/Date)

MAILING LIST

**Notice of Election for Measure Relating to the Low-Income Discounts
for Water and Sewer Services**

Lodi City Council Members

Blair King
City Manager

Steve Schwabauer
City Attorney

Richard Prima
Public Works Director

Pat Patrick, President / CEO
Lodi District Chamber of Commerce
35 S. School Street
Lodi, CA 95240

Jane Lea
1931 Holly Drive
Lodi, CA 95242



***Please immediately confirm receipt
of this fax by calling 333-6702***

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: NOTICE OF ELECTION FOR MEASURE RELATING TO THE LOW-INCOME
DISCOUNTS FOR WATER AND SEWER SERVICES

LEGAL AD


PUBLISH DATE: SATURDAY, JULY 22, 2006

TEAR SHEETS WANTED: Three (3) please

SEND AFFIDAVIT AND BILL TO: SUSAN BLACKSTON, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, JULY 20, 2006

ORDERED BY: JENNIFER M. PERRIN
INTERIM CITY CLERK


JENNIFER M. PERRIN, CMC
INTERIM CITY CLERK

JACQUELINE L. TAYLOR, CMC
DEPUTY CITY CLERK

DANA R. CHAPMAN
ADMINISTRATIVE CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

LNS Faxed to the Sentinel at 369-1084 at _____ (time) on _____ (date) 3 (pages)
Phoned to confirm receipt of all pages at _____ (time) _____ JLT _____ DRC _____ JMP (Initials)



DECLARATION OF POSTING

NOTICE OF ELECTION FOR MEASURE RELATING TO THE LOW-INCOME DISCOUNTS FOR WATER AND SEWER SERVICES

On Friday, July 21, 2006, in the City of Lodi, San Joaquin County, California, Notice of Election for measure relating to the Low-Income Discounts for Water and Sewer Services, attached and marked as Exhibit A, was posted at the following locations:


Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 21, 2006, at Lodi, California.

ORDERED BY:

**JENNIFER M. PERRIN
INTERIM CITY CLERK**


JENNIFER M. PERRIN, CMC
INTERIM CITY CLERK

JACQUELINE L. TAYLOR, CMC
DEPUTY CITY CLERK

DANA R. CHAPMAN
ADMINISTRATIVE CLERK



**NOTICE OF ELECTION
FOR MEASURE RELATING TO LOW-INCOME DISCOUNTS FOR
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**LOW-INCOME DISCOUNTS FOR WATER AND SEWER SERVICES
(Full text of the measure)**

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ABSENT: COUNCIL MEMBERS – None
ABSTAIN: COUNCIL MEMBERS – None

(The polls will be open between the hours of 7:00 a.m. and 8:00 p.m.)

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Jennifer M. Perrin
Interim City Clerk
City of Lodi, California

Dated: July 20, 2006